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OFFICE OF PETITIONS

In re Application of :
Rabih Moughelbay et al. :
Application No. 10/516,471 : DECISION ON PETITION
Filed: November 29, 2004 : UNDER 37 C.F.R. § 1.137(A)
Attorney Docket No. 37388- :
404200 :
Title: TYING DEVICE :

This is a decision on the petition filed September 17, 2007, pursuant to 37 C.F.R. § 1.137(a)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 15, 2006, which set a shortened statutory period for reply of three months. A response was received on August 15, 2006 (along with a "preliminary amendment") however it does not

¹ A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:

- (1) the required reply (in a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof);
- (2) the petition fee;
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and;
- (4) a terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

appear that an extension of time under the provisions of 37 C.F.R. § 1.136(a) was requested. Accordingly, the above-identified application became abandoned on May 16, 2006. A notice of abandonment was mailed on September 18, 2006.

The present petition has not been executed.

37 C.F.R. § 10.18(a) sets forth:

For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

Since the present petition has been submitted without a signature, the petition cannot be processed. For this reason, the petition under 37 C.F.R. § 1.137(a) must be **DISMISSED**.

It is noted that a review of the electronic file indicates that the present petition was submitted via facsimile transmission, and it appears that only the first page of form PTO/SB/61 (a form that consists of three pages plus a one-page privacy statement) was received.

Receipt of the associated petition fee, and a five-page response including amendments to the claims and remarks is acknowledged.

The concurrently filed Power of Attorney and Change of Correspondence Address has been entered and made of record.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail², hand-delivery³, or facsimile⁴. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁵.

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

5 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁶. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

⁶ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.